



Docket No.: 250482US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/804,068
Applicants: Kiichiro NISHINA, et al.
Filing Date: March 19, 2004
For: ZOOM LENS, CAMERA, AND MOBILE
INFORMATION TERMINAL
Group Art Unit: 2873
Examiner: HASAN, MOHAMMED A

SIR:

Attached hereto for filing are the following papers:

Provisional Election

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Surinder Sachar
Registration No. 34,423

DOCKET NO: 250482US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KIICHIRO NISHINA, ET AL. : EXAMINER: HASAN, MOHAMMED A
SERIAL NO: 10/804,068 :
FILED: MARCH 19, 2004 : GROUP ART UNIT: 2873
FOR: ZOOM LENS, CAMERA, AND :
MOBILE INFORMATION TERMINAL :

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated December 2, 2004, Applicants elect with traverse Invention II, Claims 10-18, 28-33, and 37-39. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

In addition to making this election, Applicants respectfully traverse this Restriction Requirement for the reason that MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area as all the claims are classified in class 359.¹ Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would clearly be

¹ Office Action, December 15, 2004, page 2.

burdensome on Applicants to be required to file, prosecute, and maintain separate applications and patents on the identified.

Accordingly, it is respectfully requested that the requirement to elect a single invention be withdrawn, and that a full examination on the merits of Claims 1-40 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Surinder Sachar
Registration No. 34,423

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